

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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KEVIN SMITH,

Plaintiff,

Civ. Action No.  
9:00-CV-1672 (WWE/DEP)

vs.

DONALD SELSKY, et al.

Defendant.

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APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

KEVIN SMITH, pro se  
Wallkill, New York

FOR DEFENDANTS:

Office of Attorney General  
State of New York  
The Capitol  
Albany, New York 12224

DEBORAH FERRO, ESQ.  
Assistant Attorney General

DAVID E. PEEBLES  
U.S. MAGISTRATE JUDGE

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ORDER

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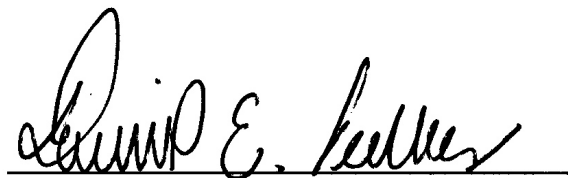
A final pretrial telephone conference was held in this inmate civil rights action on April 5, 2005 with the pro se plaintiff and counsel for

defendants. It appears from the conference that the case is now ready for trial.

If a party chooses to have all further proceedings in this matter conducted by a U.S. Magistrate Judge, the party or party's attorney should sign the attached consent form and mail it to the Clerk. If all parties consent and the assigned District Judge concurs, all further proceedings including the trial will be conducted by a Magistrate Judge. 28 U.S.C. § 636(c). Accordingly, it is hereby

ORDERED that the case is referred to the assigned district court judge or a designated visiting district judge for trial, appointment of counsel, and all further proceedings; and it is further

ORDERED, that the Clerk serve a copy of this Order on the pro se plaintiff by regular mail and all other parties electronically.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles  
U.S. Magistrate Judge

Dated: April 28, 2005  
Syracuse, NY

AO 85 (Rev. 8/98) Notice, Consent, and Order of Reference — Exercise of Jurisdiction by a United States Magistrate Judge

UNITED STATES DISTRICT COURT

Northern

District

New York

Kevin Smith,  
Plaintiff

NOTICE, CONSENT, AND ORDER OF  
EXERCISE OF JURISDICTION BY A UNITED  
MAGISTRATE JUDGE

V.

Case 9:00-CV-1672 (WWE/DEP)

Donald Selsky, et al.  
Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ORDER OF REFERENCE**

IT IS ORDERED that this case be referred to David E. Peebles  
 United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in  
 accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

_____	_____
Date	United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE  
 CONSENTED

\_\_\_\_\_ ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES  
 MAGISTRATE JUDGE.